

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:11CR3038
)	
v.)	
)	MEMORANDUM AND ORDER
JOEL WITT,)	
)	
Defendant.)	

The defendant has moved to continue the pretrial motion deadline. Filing No. 14. Defense counsel explains the defendant intends to retain new counsel, and therefore additional time is needed to determine who is representing the defendant, and thereafter review discovery and decide if pretrial motions should be filed. Based on the showing set forth in the defendant's motion, the court finds the motion should be granted.

IT IS ORDERED:

- 1) The defendant's unopposed motion to continue, (filing no. 14), is granted.
- 2) The defendant's pretrial motions and briefs shall be filed on or before June 3, 2011.
- 3) The ends of justice served by granting defendant's motion to continue outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motions, the time between May 23, 2011 and June 3, 2011, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, for the reason that the parties require additional time to adequately prepare the case, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

May 24, 2011

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge